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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/517,467	12/06/2004	Christoph Dietrich	PD020050	1347

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JOSEPH J. LAKS, VICE PRESIDENT  
THOMSON LICENSING LLC  
PATENT OPERATIONS  
PO BOX 5312  
PRINCETON, NJ 08543-5312

EXAMINER
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NGUYEN, LINH THI

ART UNIT	PAPER NUMBER
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2627

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/06/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

**Application No.**

10/517,467

**Applicant(s)**

DIETRICH ET AL.

**Examiner**

Linh T. Nguyen

**Art Unit**

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 November 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Objections***

Claims 1-5 are objected to because of the following informalities: in claims 1-5, "1L/1G" and "TE, TECL, PPTE, TO" is not defined clearly in the claim. Appropriate correction is required.

Claim 1 is objected to because of the following informalities: in claim 1, the term "formation" is unclear what is meant. Appropriate correction is required.

Claim 1 is objected to because of the following informalities: in claims 1, the method of comparison is unclear. The comparison step is missing to further calculate or adjust the offset value. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 4, and 5 are rejected under 35 U.S.C. 102(b) as being unpatentable by Hong et al (US Patent number 6314066).

In regards to claims 1 and 5, Hong et al discloses a method and an apparatus for optimized tracking of an optical scanner along a track of an optical recording medium (Fig. 1 element 102 scanning the disk 101), the track having information markings arranged in dense succession (Column 1, lines 64-65), and also having fundamental changes in properties in significantly lower density (Column 2, lines 33-36; the depth difference create a higher/lower density), comprising formation of a track error signal (Fig. 5), detection of the occurrence of fundamental changes in properties (Fig. 1, element 118; detection of transition of L/G or G/L) of the track formation of an offset value (Fig. 1, elements 109 and 110) from the comparison of the value of the track error signal that occurs shortly before and shortly after the fundamental change in properties (Column 2, lines 36-43) formation of the track error signal, taking account of the offset value (Fig. 1, TE signal feeds into groove/land offset 109/110) and repetition of the aforementioned steps (Fig. 1).

In regards to claim 2, Hong et al discloses the method as claimed in claim 1, wherein the detection of the occurrence of fundamental changes in properties of the track is effected by detection of a header area (Fig. 3).

In regards to claim 4, Hong et al discloses the method as claimed in claim 1, wherein a different signal that is impaired by the track offset of the scanner is formed instead of the track error signal (Fig. 1, TE signal from RF formed into offset from

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elements 109 and 110).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hong et al in view of Park (US Publication 20020039331).

In regards to claim 3, Hong et al discloses everything claimed as applied above (see claim 1). However, Hong et al fails to disclose the tracking error signal is formed by means of one of the tracking methods: push-pull method, three-beam method and differential push-pull method.

In the same field of endeavor, Park discloses method of tracking error signal by PP and three-beam method (Paragraph [0013]). Therefore, at the time of the invention it would have been obvious to a person of ordinary skill in the art to combine the method of optimizing tracking error of APA Hong et al to contain methods of PP and three-beam method as taught by Park. The motivation for doing so would have been to detect an accurate tracking error signal.

### ***Response to Arguments***

Applicant's arguments filed 11/17/06 have been fully considered but they are not persuasive. Applicant argues that Hong et al does not disclose "the comparison of the value of the track error signal that occurs shortly before and shortly after the fundamental change in properties." However, Hong et al takes the difference of the depth between the land and groove to obtain a tracking errors (Column 2, lines 36-43). In another words, comparing the transition of land to groove and vice versa to obtain a tracking errors to feed into offset value. Therefore, the tracking errors are taken into account of the offset value for carrying out regular tracking servo (Column 2, lines 44-54). Hence, claims 1-5 are not patentable in view of Hong et al.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Linh T. Nguyen whose telephone number is 571-272-5513. The examiner can normally be reached on 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young can be reached on 571-272-4483. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LN  
February 1, 2007

  
THANG V. TRAN  
PRIMARY EXAMINER